APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,753	01/03/2007	Kotaro Ise	293092US2RD PCT	7733

22859 7590 01/06/2010	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.	EXAMINER
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	ART UNIT	PAPER NUMBER
	2443	

	NOTIFICATION DATE	DELIVERY MODE
	01/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)
Office Action Summary	10/584,753	ISE ET AL.
	Examiner	Art Unit	
	DANIEL C. MURRAY	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 October 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Action is in response to Applicant's amendment filed on 26OCT2009. **Claims 1-19** are

now pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a)

are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or
        nonobviousness.

4.   This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the

contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later invention was made

in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   **Claims 1-3, 6-8, 10-14, and 16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Hild et al (US Patent # US 6,532,368 B1)** in view of **Zelig et al. (US Patent Publication #**

US 2002/0110087 A1).

         a) Consider **claim 1,** Hild et al. clearly show and disclose, an information processing server

that communicates with a terminal device connected to a first network and is connected to a second

network different from the first network, comprising: a reception unit configured to receive a

broadcast or multicast packet output from one or more service providing servers on the first

network from the terminal device (figure 1, figure 3, abstract, column 4 lines 62-67, column 5 lines

1-4); a server finding unit configured to find service providing servers on the first network and

services provided by the service providing servers, based on the received broadcasts or multicast

packets (abstract, column 4 lines 62-67, column 5 lines 1-12 lines 39-42, column 7 lines 45-61,

column 8 lines 33-47); and a notification unit configured to notify the terminal device of the services

found, via the tunnel or not via the tunnel (abstract, column 4 lines 62-67, column 5 lines 1-12 lines

39-42, column 7 lines 45-61, column 8 lines 33-47). However, Hild et al. does not specifically

disclose a tunnel setter configured to set a tunnel with the terminal device; receiving packets via a

tunnel; or a data communication unit configured to be responsive to an execution request of the

service from the terminal device via the tunnel or not via the tunnel and to transmit a packet

addressed to a service providing server providing the service, which has the IP address assigned in

advance to the information processing server as a transmission source address, to conduct data

communication concerning the service with a service providing server providing the service not via

the tunnel.

Zelig et al. show and disclose establishing a data link service connection for a bi-directional service to be provided between first and second nodes through a network, wherein a tunnel setter configured to set a tunnel with the terminal device based on an IP address of the second network assigned in advance to the information processing server and an IP address of the first network assigned to the terminal device (abstract, paragraph [0014], [0052], [0053] lines 11-26, [0066]); receiving packets via a tunnel (abstract, paragraph [0014], [0018]; and a data communication unit configured to be responsive to an execution request of the service from the terminal device via the tunnel or not via the tunnel and to transmit a packet addressed to a service providing server providing the service, which has the IP address assigned in advance to the information processing server as a transmission source address, to conduct data communication concerning the service with a service providing server providing the service via not via the tunnel (abstract, paragraph [0014], [0018], [0020]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Zelig et al. and Hild et al. since both concern communication services offered in a communication network and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate establishing and communicating via tunnel, as taught by, Zelig et al. into the system of Hild et al. for the purpose of establishing a communication path (Zelig; abstract), thereby allowing communication between nodes.

b) Consider **claim 2,** and **as applied to claim 1 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, the information processing server according to claim 1, wherein the data communication unit transmits a result of the data communication via the tunnel or not via the tunnel to the terminal device (Zelig; abstract, paragraph [0014[], [0018], [0055], [0056]).

c) Consider **claim 3,** and **as applied to claim 1 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, 3. The information processing server according to claim 1, wherein the notification unit notifies the terminal device of identifiers of the service providing servers found by the server finding unit via the tunnel or not via the tunnel (Hild; abstract, column 5 lines 39-42, column 7 lines 45-61, column 8 lines 33-47), upon receiving an execution request of the service provided by the service providing server having the identifier (Zelig; abstract, paragraph [0014], [0018]), the data communication unit conducts data communication concerning the service with the service providing server having the identifier (Zelig; abstract, paragraph [0014], [0018], [0055], [0056]).

d) Consider **claim 6,** and **as applied to claim 1 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, the information processing server according to claim 1, wherein the service finding unit finds an image output apparatus as the service providing server (Hild; column 7 lines 62-65, column 8 lines 1-2); and the data communication unit transmits data transmitted from the terminal device via the tunnel or not via the tunnel to the image output apparatus not via the tunnel (Hild; column 7 lines 62-65, column 8 lines 1-2).

e) Consider **claim 7,** and **as applied to claim 6 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, the information processing server according to claim 6, wherein the image output apparatus is a printer (Hild; column 7 lines 62-65, column 8 lines 1-2).

f) Consider **claim 8,** and **as applied to claim 1 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, the information processing server according to claim 1, wherein the server finding unit transmits a broadcast or multicast packet for finding service providing servers on the first network via the tunnel to cause the terminal device to send the broadcast or multicast packet onto the first network (Hild; abstract, column 4 lines 62-67, column 5 lines 1-12 lines 39-42, column

7 lines 45-61, column 8 lines 33-47), receives response packets to the transmitted broadcast or

multicast packet via the tunnel from the terminal (Hild; abstract, column 4 lines 62-67, column 5

lines 1-12 lines 39-42, column 7 lines 45-61, column 8 lines 33-47), and finds the service providing

servers on the first network and services provided by the service providing servers, on the basis of

the received response packets (Hild; abstract, column 4 lines 62-67, column 5 lines 1-12 lines 39-42,

column 7 lines 45-61, column 8 lines 33-47).

      g) Consider **claim 10,** and **as applied to claim 1 above,** Hild et al. as modified by Zelig et

al. clearly show and disclose, the information processing server according to claim 1, wherein the

tunnel setter sets the tunnel by using L2TP (Layer 2 Tunneling Protocol), PPTP (Point-to-Point

Tunneling Protocol) or MPLS (Multi-Protocol Label Switching)(Zelig; paragraph [0003], [0014],

[0052]).

      h) Consider **claim 11,** Hild et al. clearly show and disclose, a remote control system

including a terminal device connected to a first network and an information processing server

connected to a second network, wherein the terminal device comprises: a transfer unit configured to

receive a broadcast or multicast packet output from one or more service providing servers on the

first network and transmits the received broadcast or multicast packets to the information

processing server, and the information processing server comprises: a reception unit configured to

receive the broadcast or multicast packets from the terminal device; a server finding unit configured

to find service providing servers on the first network and services provided by the service providing

servers, based on the received broadcast or multicast packets; and a notification unit configured to

notify the terminal device of the services found, via the tunnel or not via the tunnel. However, Hild

et al. does not specifically disclose a first tunnel setter configured to set a tunnel with the

information processing server based on an IP address of the second network assigned in advance to

the information processing server and an IP address of the first network assigned to the terminal

device; transmitting packets via a tunnel; a second tunnel setter configured to set the tunnel with the

terminal device based on an IP address of the second network assigned in advance to the

information processing server and an IP address of the first network assigned to the terminal device;

receiving packets via a tunnel; and a data communication unit configured to be responsive to an

execution request of the service from the terminal device via the tunnel or not via the tunnel and to

transmit a packet addressed to a service providing server providing the service, which has the IP

address assigned in advance to the information processing server as a transmission source address,

to conduct data communication concerning the service with a service providing server providing the

service not via the tunnel.

       Zelig et al. show and disclose establishing a data link service connection for a bi-directional

service to be provided between first and second nodes through a network, wherein a first tunnel

setter configured to set a tunnel with the information processing server based on an IP address of

the second network assigned in advance to the information processing server and an IP address of

the first network assigned to the terminal device (abstract, paragraph [0014], [0052] lines 6-8, [0053]

lines 11-26); transmitting packets via a tunnel (abstract, paragraph [0014], [0018]); a second tunnel

setter configured to set the tunnel with the terminal device based on an IP address of the second

network assigned in advance to the information processing server and an IP address of the first

network assigned to the terminal device (abstract, paragraph [0014], [0052], [0053] lines 11-26,

[0066]); receiving packets via a tunnel (abstract, paragraph [0014], [0018]); and a data communication

unit configured to be responsive to an execution request of the service from the terminal device via

the tunnel or not via the tunnel and to transmit a packet addressed to a service providing server

providing the service, which has the IP address assigned in advance to the information processing

server as a transmission source address, to conduct data communication concerning the service with

a service providing server providing the service not via the tunnel (abstract, paragraph [0014], [0018],

[0020]).

One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of Zelig et al. and Hild et al. since both concern communication

services offered in a communication network and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the

invention was made to incorporate establishing and communicating via tunnel, as taught by, Zelig et

al. into the system of Hild et al. for the purpose of establishing a communication path (Zelig;

abstract), thereby allowing communication between nodes.

i) Consider **claim 12,** and **as applied to claim 11 above,** Hild et al. as modified by Zelig et

al. clearly show and disclose, the remote control system according to claim 11, wherein the data

communication unit transmits a result of the data communication to the terminal device via the

tunnel or not via the tunnel (Zelig; abstract, paragraph [0014[], [0018], [0055], [0056]).

j) Consider **claim 13,** and **as applied to claim 11 above,** Hild et al. as modified by Zelig et

al. clearly show and disclose, the remote control system according to claim 11, wherein the

notification unit notifies the terminal device of identifiers of the service providing servers found by

the server finding unit via the tunnel or not via the tunnel (Hild; abstract, column 5 lines 39-42,

column 7 lines 45-61, column 8 lines 33-47), and upon receiving an execution request of the service

provided by the service providing server having the identifier (Zelig; abstract, paragraph [0014],

[0018]), the data communication unit conducts data communication concerning the service with the

service providing server having the identifier (Zelig; abstract, paragraph [0014], [0018], [0055],

[0056]).

k) Consider **claim 14,** and **as applied to claim 11 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, the remote control system according to claim 11, wherein the server finding unit in the information processing server transmits a broadcast or multicast packet for finding service providing servers on the first network to the terminal device via the tunnel, the transfer unit in the terminal device outputs the broadcast or multicast packet received from the server finding unit, onto the first network, receives response packets to the output broadcast or multicast packet (Hild; abstract, column 4 lines 62-67, column 5 lines 1-12 lines 39-42, column 7 lines 45-61, column 8 lines 33-47), and transmits the received response packets to the server finding unit via the tunnel (Hild; abstract, column 4 lines 62-67, column 5 lines 1-12 lines 39-42, column 7 lines 45-61, column 8 lines 33-47), and the server finding unit finds service providing servers on the first network and service provided by the service providing servers, on the basis of the response packets received from the transfer unit (Hild; abstract, column 4 lines 62-67, column 5 lines 1-12 lines 39-42, column 7 lines 45-61, column 8 lines 33-47).

l) Consider **claim 16,** and **as applied to claim 11 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, the remote control system according to claim 11, wherein the first and second tunnel setters set the tunnel by using L2TP (Layer 2 Tunneling Protocol), PPTP (Point-to-Point tunneling Protocol) or MPLS (Multi-Protocol Label Switching)(Zelig; paragraph [0003], [0014], [0052]).

m) Consider **claim 17,** Hild et al. clearly show and disclose, a remote control method using a terminal device connected to a first network and an information processing server connected to a second network, comprising: transmitting a broadcast or multicast packet output from one or more service providing servers on the first network to the information processing server from the terminal device to cause the information processing server to find the service providing servers and services

provided by the service providing servers (figure 1, figure 3, abstract, column 4 lines 62-67, column

5 lines 1-4); notifying the terminal device of the services found, from the information processing

server via the tunnel or not via the tunnel (abstract, column 4 lines 62-67, column 5 lines 1-12 lines

39-42, column 7 lines 45-61, column 8 lines 33-47). However, Hild et al. does not specifically

disclose setting a tunnel between the terminal device and the information processing server based on

an IP address of the second network assigned in advance to the information processing server and

an IP address of the first network assigned to the terminal device; transmitting packets via a tunnel;

or if execution request of the service is received by the information processing server from the

terminal device via the tunnel or not via the tunnel and to transmit a packet addressed to a service

providing server providing the service, which has the IP address assigned in advance to the

information processing server as a transmission source address, to conduct data communication

concerning the service between the service providing server providing the service and the

information processing server, not via the tunnel.

      Zelig et al. show and disclose establishing a data link service connection for a bi-directional

service to be provided between first and second nodes through a network, wherein setting a tunnel

between the terminal device and the information processing server based on an IP address of the

second network assigned in advance to the information processing server and an IP address of the

first network assigned to the terminal device (abstract, paragraph [0014], [0052], [0053] lines 11-26,

[0066]); transmitting packets via a tunnel (abstract, paragraph [0014], [0018]); and if execution

request of the service is received by the information processing server from the terminal device via

the tunnel or not via the tunnel and to transmit a packet addressed to a service providing server

providing the service, which has the IP address assigned in advance to the information processing

server as a transmission source address, to conduct data communication concerning the service

between the service providing server providing the service and the information processing server,

not via the tunnel (abstract, paragraph [0014], [0018], [0020]).

One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of Zelig et al. and Hild et al. since both concern communication

services offered in a communication network and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the

invention was made to incorporate establishing and communicating via tunnel, as taught by, Zelig et

al. into the system of Hild et al. for the purpose of establishing a communication path (Zelig;

abstract), thereby allowing communication between nodes.

n) Consider **claim 18,** and **as applied to claim 17 above,** Hild et al. as modified by Zelig et

al. clearly show and disclose, the remote control method according to claim 17, further comprising

transmitting a result of the data communication from the information processing server to the

terminal device via the tunnel or not via the tunnel (Zelig; abstract, paragraph [0014], [0018], [0055],

[0056]).

o) Consider **claim 19,** and **as applied to claim 17 above,** Hild et al. as modified by Zelig et

al. clearly show and disclose, the remote control method according to claim 17, further comprising;

notifying the terminal device of identifiers of the service providing servers via the tunnel or not via

the tunnel from the information processing server (Hild; abstract, column 5 lines 39-42, column 7

lines 45-61, column 8 lines 33-47), and if execution request of the service provided by the service

providing server having the identifier is received by the information processing server (Zelig;

abstract, paragraph [0014], [0018]), conducting data communication concerning the service between

the service providing server having the identifier and the information processing server (Zelig;

abstract, paragraph [0014], [0018], [0055], [0056]).

6.   **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hild et al**

(US Patent # US 6,532,368 B1) in view of **Zelig et al. (US Patent Publication # US**

2002/0110087 A1) in further view of **Lee et al. (US Patent Publication # US 2003/0018751 A1).**

       a) Consider **claim 4,** and **as applied to claim 3 above,** Hild et al. as modified by Zelig et al.

clearly show and disclose, the information processing server according to claim 3. However, Hild et

al. as modified by Zelig et al. does not specifically disclose the service finding unit finds a contents

providing server as the service providing server, the notification unit notifies the terminal device of

identifiers of contents provided by the contents providing server via the tunnel or not via the tunnel,

and upon being requested to provide contents having the identifier from the terminal device via the

tunnel or not via the tunnel, the data communication unit acquires the contents having the identifier

from the contents providing server not via the tunnel and transmits the acquired contents to the

terminal device via the tunnel or not via the tunnel.

       Lee et al. show and disclose to a contents downloading system and a method of

downloading the contents a user wants to a detachable media device through a communication

network, wherein the service finding unit finds a contents providing server as the service providing

server (abstract, [0012]), the notification unit notifies the terminal device of identifiers of contents

provided by the contents providing server via the tunnel or the second network, and upon being

requested to provide contents having the identifier from the terminal device via the tunnel or not via

the tunnel (paragraph [0012], [0018], [0024], [0037]), the data communication unit acquires the

contents having the identifier from the contents providing server via not via the tunnel and

transmits the acquired contents to the terminal device via the tunnel or not via the tunnel (abstract,

paragraph [0018]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Lee et al. and Hild et al. as modified by Zelig et al. since both concern locating/using remote services and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate locating a content server and downloading the requested content, as taught by, Lee et al. into the system of Hild et al. as modified by Zelig et al. for the purpose of allowing a user to obtain content from the content server (Lee; abstract), thereby allowing the user to store the content locally.

b) Consider **claim 5,** and **as applied to claim 4 above,** Hild et al. as modified by Zelig et al. as modified by Lee et al. clearly show and disclose, the information processing server according to claim 4, wherein the data communication unit acquires still picture data, video data (Lee; paragraph [0005], [0012]), voice data or document data as the contents.

7.   **Claims 9 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hild et al (US Patent # US 6,532,368 B1)** in view of **Zelig et al. (US Patent Publication # US 2002/0110087 A1)** in further view of **Park et al. (US Patent Publication # US 2005/0175020 A1).**

a) Consider **claim 9,** and **as applied to claim 8 above,** Hild et al. as modified by Zelig et al. clearly show and disclose, the information processing server according to claim 8. However, Hild et al. as modified by Zelig et al. does not specifically disclose an IP address acquisition unit configured to acquire an IP address of the first network, wherein a DHCP (Dynamic Host Configuration Protocol) server is connected to the first network, the IP address acquisition unit acquires the IP address of the first network by communicating with the DHCP server via the tunnel, and the server

finding unit uses the acquired IP address as an address of a transmission source of the broadcast or

multicast packet to be transmitted to the terminal device.

       Park et al. show and disclose a tunneling service enabling data communications between

communication networks, and more particularly, to a tunneling service method and system enabling

data communications between a client node having an IPv4/6 (Internet Protocol version 4/6) dual

stack and a client node in a different network, wherein an IP address acquisition unit configured to

acquire an IP address of the first network, wherein a DHCP (Dynamic Host Configuration

Protocol) server is connected to the first network (abstract, paragraph [0013]), the IP address

acquisition unit acquires the IP address of the first network by communicating with the DHCP

server via the tunnel (abstract, paragraph [0013]), and the server finding unit uses the acquired IP

address as an address of a transmission source of the broadcast or multicast packet to be transmitted

to the terminal device (abstract, paragraph [0013]).

       One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of Park et al. and Hild et al. as modified by Zelig et al. since

both concern enabling communication between network using a tunneling service and as such, both

are with in the same environment.

       Therefore, it would have been obvious to one of ordinary skill in the art that the time the

invention was made to incorporate DHCP service, as taught by, Park et al. into the system of Hild et

al. as modified by Zelig et al. for the purpose of assigning IP addresses (Park; abstract), thereby

allowing devices to communicate.

       b) Consider **claim 15,** and **as applied to claim 14 above,** Hild et al. as modified by Zelig et

al. clearly show and disclose, the remote control system according to claim 14. However, Hild et al.

as modified by Zelig et al. does not specifically disclose a DHCP (Dynamic Host Configuration

Protocol) server is connected to the first network, the information processing server further

comprises an IP address acquisition unit configured to acquire an IP address of the first network by

communicating with the DHCP server via the tunnel, and the server finding unit uses the IP address

acquired by the IP address acquisition unit as an address of a transmission source of the broadcast

or multicast packet to be transmitted to the terminal device.

       Park et al. show and disclose a tunneling service enabling data communications between

communication networks, and more particularly, to a tunneling service method and system enabling

data communications between a client node having an IPv4/6 (Internet Protocol version 4/6) dual

stack and a client node in a different network, wherein an IP address acquisition unit configured to

acquire an IP address of the first network, wherein a DHCP server is connected to the first network

(abstract, paragraph [0013]), the information processing server further comprises an IP address

acquisition unit configured to acquire an IP address of the first network by communicating with the

DHCP server via the tunnel (abstract, paragraph [0013]), and the server finding unit uses the IP

address acquired by the IP address acquisition unit as an address of a transmission source of the

broadcast or multicast packet to be transmitted to the terminal device (abstract, paragraph [0013]).

       One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of Park et al. and Hild et al. as modified by Zelig et al. since

both concern enabling communication between network using a tunneling service and as such, both

are with in the same environment.

       Therefore, it would have been obvious to one of ordinary skill in the art that the time the

invention was made to incorporate DHCP service, as taught by, Park et al. into the system of Hild et

al. as modified by Zelig et al. for the purpose of assigning IP addresses (Park; abstract), thereby

allowing devices to communicate.

Response to Arguments

8.   Applicant's arguments filed 26OCT2009 have been fully considered but they are not
persuasive.

          Applicant argues that both Hild and Zelig fail to disclose "...(1) a reception unit configured
to receive a broadcast or multicast packet output from one or more service providing servers on the
first network, via the tunnel from the terminal device, and (2) a data communication unit configured
to be responsive to an execution request of the service from the terminal device via the tunnel or
not via the tunnel and to transmit a packet address to a service providing server providing the
service, which has the IP address assigned in advance to the information processing server as a
transmission source address, to conduct data communication concerning the service with the service
providing server providing the service **not** via the tunnel".

          In response to Applicant's arguments against the references individually, one cannot show
nonobviousness by attacking references individually where the rejections are based on combinations
of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800
F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Hild clearly discloses a reception unit configured to
receive a broadcast or multicast packet output from one or more service providing servers on the
first network, via the tunnel from the terminal device (figure 1, figure 3, abstract, column4 lines 62-
67, column 5 lines 1-4). Zelig clearly discloses communication via a tunnel/network for the purpose
of establishing a service connection (abstract, paragraph [0014], [0018], [0020]). Hild clearly discloses
a reception unit (device) configured to receive a broadcast or multicast packet output (service
offering advertisement) from one or more service providing servers (devices providing services) on
the first network, from the terminal device (device). Zelig clearly discloses receiving a
communication request via a tunnel. Hild and Zelig, in combination, clearly disclose receiving a

broadcast message from a service providing/terminal device via the tunnel. Therefore, Hild and Zelig, in combination, clearly disclose a reception unit configured to receive a broadcast or multicast packet output from one or more service providing servers on the first network, via the tunnel from the terminal device. Zelig clearly discloses a data communication unit configured to be responsive to an execution request of the service from the terminal device via the tunnel or not via the tunnel and to transmit a packet address to a service providing server providing the service, which has the IP address assigned in advance to the information processing server as a transmission source address, to conduct data communication concerning the service with the service providing server providing the service not via the tunnel (abstract, paragraph [0014], [0018], [0020], [0052], [0053] lines 11-26, [0066]). Zelig clearly discloses a data communication unit (responding node/second) configured to be responsive to an execution request of the service from the terminal device (originating/first node) via the tunnel (tunnel being created) or not via the tunnel (network, existing tunnel) and to transmit a packet address to a service providing server providing the service, which has the IP address assigned in advance to the information processing server as a transmission source address (IP address of the destination switch), to conduct data communication concerning the service (tunnel creation/setting parameters) with the service providing server providing the service not via the tunnel (via the network or existing tunnel). Zelig clearly discloses a node (data communication unit) responding to a request to create a tunnel (service) from another node (terminal device) and that the request can be transmitted either via an existing tunnel or the network (not a tunnel) and that the node (data communication unit) transmits information (e.g. IP address) for setting the parameters for creating the tunnel (service) and conduct data communication concerning the service (i.e. establishing a tunnel). Therefore, Zelig clearly discloses a data communication unit configured to be responsive to an execution request of the service from the terminal device via the tunnel or not

via the tunnel and to transmit a packet address to a service providing server providing the service, which has the IP address assigned in advance to the information processing server as a transmission source address, to conduct data communication concerning the service with the service providing server providing the service not via the tunnel.

      Applicants note that Claim 1 requires that the broadcast or multicast packet output from the service providing servers be broadcast via the tunnel from the terminal device, and at the same time data communication is conducted with the service providing server not via the tunnel, as required by Claim 1. Applicants respectfully submit that the '087 application is completely silent regarding these limitations.

      In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant submits that Zelig is silent regarding the limitations that the broadcast or multicast packet output from the service providing servers be broadcast via the tunnel from the terminal device, and at the same time data communication is conducted with the service providing server not via the tunnel. However, as discussed in the previous arguments above the rejection is based on the combination of Zelig and Hild. In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e., the broadcast or multicast packet output from the service providing servers be broadcast via the tunnel from the terminal device, and at the same time data communication is conducted with the service providing server not via the tunnel) are not clearly recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is not clear from the claims that output from the service providing servers be broadcast via the tunnel from the terminal device, and *at the same time* (emphasis added) data communication is conducted with the service providing server not via the tunnel. It appears from the claims that communication occurs either via the tunnel *or* (emphasis added) not via the tunnel; which is clearly not the same as "at the same time".

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ➢ US 7,117,526 B1
- ➢ US 7,237,260 B2
- ➢ US 7,564,871 B2
- ➢ US 7,574,495 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C. M./
Examiner, Art Unit 2443

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443